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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/658,776

09/10/2003

Thomas E. Mullan

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EXAMINER

AJAYI, JOEL

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

10/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/658,776

Applicant(s)

MULLAN ET AL.

Examiner

Joel Ajayi

Art Unit

2617

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 September 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) ~~the date~~ (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL -324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: _____.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s).
13. ☐ Other: _____.


CHARLES N. APPIAH
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: the argument features that the mobile terminal has a single first antenna, is mounted in a vehicle, is in two-way communications with one or more individual data terminal devices, is in two-way communication with a satellite through the first antenna. The examiner respectfully disagrees with the applicant's statement and asserts that Leuca et al. discloses that data is requested through an airborne (the airborne station can be a laptop) transmitter (an antenna is used to transmit signals) (column 2, lines 13 -17); the telecommunication system, which includes the airborne station/laptop is located in a vehicle (column 2, lines 58 -64); the airborne station/laptop is in two-way communication with the Internet via a data transport mechanism, a data server mechanism (column 2, lines 48-53, 62-65); the two way communication can also be between the airborne station and a satellite system (column 2, lines 48 -53; column 3, lines 18-29).

The argument features that the uplink in Leuca is not from the mobile communication terminal to the base station, but rather in the opposite direction. The examiner respectfully disagrees with the applicant's statement and asserts that Leuca et al. discloses that data is requested by an airborne station/laptop and two way communication also takes place between the laptop and the Internet via data mechanisms (column 2, lines 13 -17, lines 48-53).

The argument features that NATS is not a satellite system. The examiner asserts that NATS was not cited as being a satellite system, but was rather listed as one of the systems (which includes a satellite system) that can be used with Leuca's invention, and for the communication between the airborne station/laptop and data network/ satellite (column 3, lines 25 -29).

The argument features that the uplink is not provided by any apparent antenna associated with the laptop computer. The examiner respectfully disagrees with the applicant's statement and asserts that Leuca et al. discloses that data is requested through an airborne (the airborne station can be a laptop) transmitter (an antenna is used to transmit signals) (column 2, lines 13 -17).

The argument features that the broadband satellite system provides one-way data service, this one-way data service is being provided via a plurality of channels of digitized video signals through one transponder. The examiner respectfully disagrees with the applicant's statement and asserts that Leuca et al. discloses that a two way communication takes place (column 2, lines 48 -53), and the communication involves using satellite systems (column 3, lines 18 -29).

The argument features that the forward link signal uses a signaling rate in a range from 512 kbps to 3.5 Mbps. The examiner respectfully disagrees with the applicant's statement and asserts that Montebruno et al. discloses signaling rates between 16kbps to 2 Mbps, which is in the range of 512kbps to 3.5 Mbps (paragraph 6, lines 1-4).

The argument features that Montebruno is specifically directed at avoiding traffic saturation in the terrestrial transport network. The examiner respectfully disagrees with the applicant's statement and asserts that Montebruno et al. discloses that the system includes more than just a terrestrial transport network, it also includes response to data requests (programs) in satellite systems (paragraph 53, lines 4-8).

The argument features reception of data via a single transponder in a satellite. The examiner respectfully disagrees with the applicant's statement and asserts that Montebruno et al. discloses that the satellite interconnection GSB, transponder, is used for communication between the mobile terminal and the satellite system (paragraph 49, lines 11-26).

Leuca deals with creating a more efficient system (column 2, lines 53 -57) and Montebruno also deals with creating a more efficient system by utilizing the highest data rate and highest communication flexibility (paragraph 4, lines 3-8), therefore, it would have been obvious to incorporate the teachings of Montebruno into the method of Leuca in order to provide a telecommunications network for mobile users that is improved and more efficient.

In view of the above, the rejections using Leuca and Montebruno are maintained.